



4200/3754

DAC

PATENT  
Customer No. 22,852  
Attorney Docket No. 05725.0867-00000

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Thierry PONTON ) Group Art Unit: 3754  
Application No.: 09/986,720 ) Examiner: Not yet assigned  
Filed: November 9, 2001 )  
For: PUMP-TYPE PACKAGING UNIT )  
FOR A LIQUID OR SEMI-LIQUID )  
PRODUCT )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

This is a request to withdraw the holding of abandonment mailed April 12, 2004.

On April 12, 2004, a Notice of Abandonment Under 37 C.F.R. § 1.53(f) or (g) (Attachment A) was mailed indicating that the above-captioned application is abandoned for "failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 11/29/2001." Applicant respectfully requests the withdrawal of the holding of abandonment because Applicant never received the Notice to File Missing Parts inasmuch as it was apparently mailed to the incorrect address, according to U.S. Patent and Trademark Office (USPTO) records. Furthermore, the Notice of Abandonment was also apparently mailed to the same incorrect address, according to USPTO records, as will be explained in more detail below.

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On November 9, 2001, Applicant filed the above-captioned reissue application along with a Transmittal Letter (Attachment B), which included a statement at page 2 requesting that all correspondence relating to the application be sent to

Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P.,  
1300 I Street, N.W., Washington, DC 20005, Customer  
Number 22,852.

(See Attachment C, including a copy of the USPTO dated-stamped postcard receipt.)

According to USPTO records, a Notice to File Missing Parts of Nonprovisional Application (Attachment D) was apparently mailed on November 29, 2001, to

22857  
Robert R Imperato  
341 Ganttown Road  
#1 John Penn  
Turnersville, NJ 08012.

Additionally, on April 12, 2004, a Notice of Abandonment was also apparently mailed to the same address as the Notice to File Missing Parts. In other words, rather than mailing the Notice to File Missing Parts and Notice of Abandonment to the correspondence address requested in Applicant's Transmittal Letter, the USPTO sent those Notices to an incorrect address, apparently as a result of entering the incorrect customer number, "22857," instead of "22,852," which Applicant indicated on the Transmittal Letter filed along with the application.

Furthermore, Applicant's representative has reviewed the representative's docket records associated with this application, and those docket records indicate that neither the Notice to File Missing Parts nor the Notice of Abandonment was received at Applicant's requested correspondence address. In fact, only through diligent efforts

described below, did Applicant become aware of the Notice to File Missing Parts and the abandoned status of the application.

On November 18, 2003, Applicant's representative consulted the USPTO's Patent Application Information Retrieval (PAIR) page on the USPTO's website. The PAIR page associated with Applicant's application verified that the application had been filed, and the "Status" entry on the PAIR page indicated "Application Undergoing Preexam Processing." (See Attachment E, which is a printed document showing the PAIR page on November 18, 2003.) No Notice to File Missing Parts was mentioned on the PAIR page on November 18, 2003. Entry 4 of the PAIR page indicated that there had been a correspondence address change made on November 20, 2001, but Applicant never filed any such request for address change.

On November 20, 2003, Applicant filed a Status Inquiry, requesting that the USPTO advise him of the status of the application. (See Attachment F, including a copy of the as-filed Status Inquiry and a USPTO date-stamped postcard receipt.)

On June 28, 2004, Applicant again consulted the USPTO PAIR page associated with this application, and the "Status" entry had changed from "Application Undergoing Preexam Processing" to "Abandoned -- Incomplete Application (Pre-examination)," and the "File History" section of the PAIR page indicated "01-30-2002 Abandonment -- During Preexam Processing" and "11-29-2001 Notice Mailed -- Application Incomplete -- Filing Date Assigned." (See Attachment G, which is a printed document showing the PAIR page on June 28, 2004.)

When Applicant's representative became aware of the June 29, 2004, PAIR page indicating that the application is abandoned, Applicant's representative ordered a copy

of the prosecution history of the USPTO's file for this application in an effort to determine why the application had been abandoned. Based on a review of that prosecution history, it appears that the USPTO abandoned Applicant's application because Applicant failed to timely respond to an Office communication (i.e., the Notice to File Missing Parts), which Applicant never received because the USPTO sent the Notice to File Missing Parts to an address other than the correspondence address that Applicant requested.

In view of all the facts explained above, Applicant respectfully requests the USPTO to withdraw the holding of abandonment in this application, and to reissue and remail any Office communications previously issued to Applicant's correct address:

Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P.  
1300 I Street, N.W.  
Washington, DC 20005  
Customer Number 22,852.

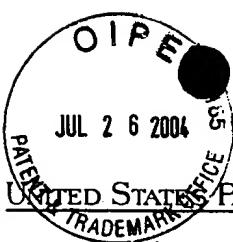
Applicant does not believe that any fees are required for the consideration of this Request. Should it be necessary to charge any fees to consider this Request and/or restart prosecution of this application, they may be charged to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: July 26, 2004

By:   
Christopher T. Kent  
Reg. No. 48,216



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY./DOCKET NO./TITLE
09/986,720	11/09/2001	Thierry Ponton	5725.0867

**CONFIRMATION NO. 5885**  
**ABANDONMENT/TERMINATION**  
**LETTER**



\*OC000000012335377\*

22857  
 ROBERT R IMPERATO  
 341 GANTTOWN ROAD  
 #1 JOHN PENN  
 TURNERSVILLE, NJ 08012

Date Mailed: 04/12/2004

**NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)**

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 11/29/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY



November 9, 2001

A/R  
JC857 U.S. PTO  
09/986720  
11/09/01

10/60/IT  
JC857 U.S. PTO  
09/986720 "A/D/DO"

ATTORNEY DOCKET NO.: 5725.0867  
CUSTOMER NO. OA 22,852

**BOX REISSUE**  
**Assistant Commissioner for Patents**  
**Washington, D.C. 20231**

Re: Reissue Application of U.S. Patent No. 6,089,410  
Inventor: Thierry Ponton  
Issued: July 18, 2000  
Title: PUMP-TYPE PACKAGING UNIT FOR A LIQUID OR SEMI-LIQUID  
PRODUCT

Sir:

We enclose the following papers for filing in the United States Patent and Trademark Office in connection with the above-referenced reissue application:

1. Application - 8 pages, including 8 independent claims and 29 claims total, a title page, and an Abstract;
2. Drawings - 4 sheets of drawings containing Figs. 1, 2, 3A, 3B, and 4;
3. Preliminary Amendment and Remarks adding 11 new independent claims and 62 new claims total, for an overall total of 19 pending independent claims and 91 pending claims; and
4. A check for \$2,780.00 representing a \$740.00 reissue filing fee, a \$1,116.00 extra claims fee (number of claims in the reissue application in excess of 20 and over the number of claims in the patent (91-29) = 62 x \$18.00), and a \$924.00 extra independent claim fee (number of independent claims in the reissue application (19) - number of independent claims in the patent (8) = 11 x \$84.00).

This is a broadening reissue application being submitted within two years of the issue date of U.S. Patent No. 6,089,410.

This application relies on the benefit of priority under 35 U.S.C. § 119 of French application No. 97 10708, filed August 27, 1997. A certified copy of this French priority application was filed in the application leading to U.S. Patent No. 6,089,410.

The application is being filed under the provisions of 37 C.F.R. § 1.53(b) and

Assistant Commissioner for Patents  
November 9, 2001  
Page 2

§ 1.53(f). Applicant awaits notification from the Patent and Trademark Office of the time set for filing the executed Declaration and Assent of Assignee.

**Please accord this application an application number and filing date.**

Please address all correspondence to Finnegan, Henderson, Farabow, Garrett, & Dunner, L.L.P., 1300 I Street, N.W., Washington, DC 20005, Customer Number 22,852.

The Commissioner is hereby authorized to charge any additional filing fees due and any other fees due under 37 C.F.R. § 1.16 or § 1.17 during the pendency of this application to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By:   
Reg. No. 38,742 /for-  
John M. Romary  
Reg. No. 26,331

Enclosures

LAW OFFICES

FINNEGAN, HENDERSON,  
FARABOW, GARRETT,  
& DUNNER, L.L.P.  
1300 I STREET, N.W.  
WASHINGTON, DC 20005  
202-408-4000



THIAMI/jdp

**PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:**

In Re Reissue Application of: Thierry Ponton

Serial No.: To Be Assigned

Group Art Unit: Unassigned

Filed: November 9, 2001

Examiner: Unassigned

For: Pump-Type Packaging Unit for a Liquid or Semi-Liquid Product

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1. Transmittal Letter
2. Application 8 pages, including 8 independent claims and 29 claims total, a title page, and an Abstract
3. Drawings
4. Preliminary Amendment
5. Check for 2,780.00 representing a \$740.00 reissue filing fee, a \$1,116.00 extra claims fee and a \$924.00 extra independent claim fee

Dated November 9, 2001

Docket No.: 05725.0867

AMG/jdp - Mail Drop 900



(Due Date: NAT)

*[Handwritten signature]*



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/986,720	11/09/2001	Thierry Ponton	5725.0867

22857  
ROBERT R IMPERATO  
341 GANTTOWN ROAD  
#1 JOHN PENN  
TURNERSVILLE, NJ 08012

**CONFIRMATION NO. 5885**  
**FORMALITIES LETTER**



\*OC00000007134024\*

Date Mailed: 11/29/2001

**NOTICE TO FILE MISSING PARTS OF REISSUE APPLICATION*****Filing Date Granted***

An application number and filing date have been accorded to this reissue application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**
- Assignee's statement under 37 CFR 3.73(b) establishing ownership of the patent is missing. 37 CFR 1.172 requires that all assignees consenting to the reissue application establish their ownership interest in the patent by filing in the reissue application a statement in accordance with 37 CFR 3.73(b).

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

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### Search results for application number:09/986,720

Application Number:	09/986,720	Customer Number:	-
Filing or 371(c) Date:	11-09-2001	Status:	Application Undergoing Preexam Processing
Application Type:	Re-issue	Status Date:	11-09-2001
Examiner Name:	-	Location:	OIPE - MISSING PARTS-CENTRAL FILES, CP6 LOBBY
Group Art Unit:	3754	Location Date:	11-10-2003
Confirmation Number:	5885	Earliest Publication No:	-
Attorney Docket Number:	5725.0867	Earliest Publication Date:	-
Class/ Sub-Class:	-/-	Patent Number:	-
First Named Inventor:	Thierry Ponton, Charenton Le Pont, (FR)	Issue Date of Patent:	-
Title Of Invention:	Pump-type packaging unit for a liquid or semi-liquid product		

[Foreign Priority](#)

[Continuity Data](#)

### File Contents History

Number	Date	Contents Description
5	11-29-2001	Incomplete Application under Rule 53(b) - Filing Date Assigned
4	11-28-2001	Correspondence Address Change
3	11-15-2001	IFW Scan & PACR Auto Security Review
2	11-09-2001	Initial Exam Team nn

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TLI | AMG | CTK | PAG

**PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:**

In Re Application of: Thierry PONTON

Application No.: 09/986,720

Group Art Unit: 3754

Filed: November 9, 2001

Examiner: Not yet assigned

For: PUMP-TYPE PACKAGING UNIT FOR A LIQUID OR SEMI-LIQUID PRODUCT

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1. Status Inquiry

Dated: November 20, 2003

Docket No.: 05725.0867

AMG/CTK/mas - Mail Drop-Reston

(Due Date: n/a)



Please return postcard to M. Sanchez/Reston-810B. Thank you.

KL  
11/21/2003  
DCH

PATENT  
Customer No. 22,852  
Attorney Docket No. 05725.0867

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Thierry PONTON ) Group Art Unit: 3754  
Application No.: 09/986,720 ) Examiner: Not yet assigned  
Filed: November 9, 2001 )  
For: PUMP-TYPE PACKAGING UNIT )  
FOR A LIQUID OR SEMI-LIQUID )  
PRODUCT )

Commissioner for Patents  
Washington, DC 20231

Sir:

**STATUS INQUIRY**

Applicant filed the above-identified application on November 1, 2001, and  
Applicant has not yet received an Office Action on the merits for this application.  
In view of these circumstances, Applicant respectfully requests that the U.S.  
Patent and Trademark Office advise him of the status of this application as soon as  
possible in order to determine whether further action by Applicant is required at this  
time.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: November 20, 2003

By:   
Anthony M. Gutowski  
Reg. No. 38,742



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Application Number:	09/986,720	Customer Number:	-
Filing or 371(c) Date:	11-09-2001	Status:	Abandoned -- Incomplete Application (Pre-examination)
Application Type:	Re-issue	Status Date:	04-12-2004
Examiner Name:	-	Location:	FILE REPOSITORY (FRANCONIA)
Group Art Unit:	3754	Location Date:	04-15-2004
Confirmation Number:	5885	Earliest Publication No.:	-
Attorney Docket Number:	5725.0867	Earliest Publication Date:	-
Class/ Sub-Class:	-/-	Patent Number:	-
First Named Inventor:	Thierry Ponton, Charenton Le Pont, (FR)	Issue Date of Patent:	-
Title Of Invention:	Pump-type packaging unit for a liquid or semi-liquid product		

Select Search Option

 Continuity Data Search Foreign Priority**File History**

Date	Contents Description
01-30-2002	Abandonment -- During Preexam Processing
11-29-2001	Notice Mailed--Application Incomplete--Filing Date Assigned
11-28-2001	Correspondence Address Change
11-15-2001	IFW Scan & PACR Auto Security Review
11-09-2001	Initial Exam Team nn

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